

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH PATRICK WALSH,

Defendant.

CR 18-17-BU-DLC

ORDER

Before the Court is Defendant Joseph Patrick Walsh's Motion for Early Termination of Supervision. (Doc. 39.) The United States opposes. (Doc. 42.) United States Probation Officer Tom Kelley supports early termination of supervised release. (Doc. 39 at 1.) For the reasons below, the Court grants the Motion.

Background

On March 20, 2019, Defendant was sentenced for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(A) (Count 1) and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i) (Count 3). (Doc. 34.) The Court sentenced Defendant to one year and one day as to Count 1 and five years as to Count 3, to run consecutive to Count 1. (*Id.* at 2.) The Court also

imposed five years of supervised release as to both Counts, to run concurrently with one another. (*Id.* at 3.) Defendant began serving his term of supervised release on January 22, 2024. (Doc. 40 at 2.)

Discussion

A court may “terminate a term of supervised release . . . at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e)(1). In determining whether to terminate a term of supervised release, courts consider the factors set forth in 18 U.S.C. § 3553(a). 18 U.S.C. § 3564. These factors include:

(1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) deterrence; (3) protection of the public; (4) the need to provide the defendant with educational, vocational training, medical care or other rehabilitation; (5) the sentence and sentencing range established for the category of defendant; (6) any pertinent policy statement by the Sentencing Commission; (7) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and (8) the need to provide restitution to any victims of the offense.

United States v. Smith, 219 F. App’x 666, 667 (9th Cir. 2007) (unpublished).

Defendant has served approximately 15 months of supervision so he is eligible for early release. (Doc. 40 at 1.) Defendant argues that the § 3553(a) factors support early release because there have been no reports of violation and he

has completed all of his treatment and rehabilitation requirements. (*Id.* at 3.) Defendant has been sober for seven years now and is thriving. (*Id.*) Defendant is engaged with his family and community. (*Id.*) Defendant drives a truck for a tightly knit family-owned business in North Dakota and has established himself as a trustworthy and valued employee. (Doc. 41-2 at 1.) Defendant wishes to fully relocate and commit to his new career. (Doc. 40 at 4.)

The Government opposes early termination, highlighting Defendant's criminal history and the fact that Defendant has only served 15 months of his 60-month term. (Doc. 42 at 3.) The Government believes that giving Defendant more time to work with the United States Probation Office is in the interest of justice. (*Id.*)

Based on Defendant's commitment to sobriety and his consistent employment, the Court believes Defendant can live a productive and law-abiding life without the supervision of the Court.

Thus, in weighing "the nature and circumstances of the offense" against the "characteristics" of Defendant, along with the need to promote "deterrence" and "protect the public," the Court agrees with Defendant that continued supervision is no longer necessary.

Accordingly, IT IS ORDERED that Defendant's Motion (Doc. 39) is GRANTED. Joseph Patrick Walsh's term of supervised release is TERMINATED as of the date of this Order.

DATED this 6th day of May, 2025.



Dana L. Christensen, District Judge
United States District Court